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DEMOCRATIC
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The Bonn Cabal

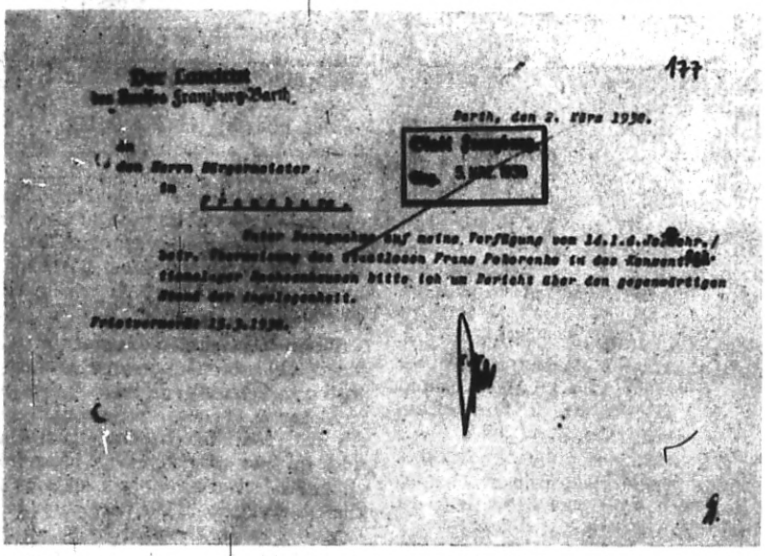
The men who really run West Germany today are a closely-knit group of civil servants: the State Secretaries who remain in office while the cabinet ministers come and go.

On this page and the following pages we present short biographical notes on 13 of the 20 State Secretaries who are the real power behind Chancellor Adenauer. They have one thing in common: they all served the nazis in responsible government positions.

The degree of their incrimination in nazi crimes varies greatly; some, like State Secretary Globke and State Secretary Vialon, drafted the laws, decrees and directives which sent millions of Jews and others to their death; some, like State Secretary Hopf, held relatively minor posts, but personally sent individuals to concentration camps; others, like State Secretary Westrick, looted occupied Europe; and one or two had little known connection with nazi crimes, but served the nazi regime as trusty civil servants.

Read the biographies below, and judge for yourself what sort of a state puts such men in top positions.

"Send Him to Concentration Camp"



This letter was written on March 2nd 1938 by Volkmar Hopf, today State Secretary in the West German Ministry of Defence, at that time Landrat, or district officer, in Franzburg-Barth, near Stralsund. The letter states:

"With reference to my order of January 14th this year regarding the transfer of Franz Pokorenko, stateless, to Sachsenhausen Concentration Camp, I request a report upon the present situation in this question."

The reply came on June 3rd from the "Mayor of Stralsund as Local Police Authority" and stated laconically:

"Pokorenko was sent to Sachsenhausen on May 28th 1938."

Nothing further is known of the fate of Franz Pokorenko.

Volkmar Hopf

Formerly: Local Governor in Nazi-Occupied Czechoslovakia
Today: State Secretary in the Ministry of Defence

As a young lawyer in 1933, Hopf wrote, together with Globke (see below) official legal commentaries on the introduction of the nazi system of administration in municipal law.

On March 1st 1934 he joined the Nazi Party, and one day later was appointed deputy Landrat (district officer) in Franzburg. He was soon promoted to Landrat. In this capacity he ordered all municipal employees to report to him on "rumourmongers and enemies of the state such as members of the Communist Party and the Social Democratic Party" (Internal decree signed by Hopf on May 16th 1934).

He personally decreed in at least one case that a man should be sent to concentration camp (see photostat).

(On March 29th a West German Government spokesman described documentary details of Hopf's nazi record which had been published in East Berlin, as "the usual Communist propaganda".)

After the nazis had occupied Czechoslovakia in March 1939, Hopf was appointed Local Governor in Zlin. Little has yet been discovered about his activities in occupied Czechoslovakia, but it can be assumed that he participated in the general nazi policy of ruthless subjugation.

After the war he was appointed to a leading position in the West German Ministry of the Interior, and in this capacity helped to prepare the trial in which the Communist Party was banned in West Germany in 1956 as an "anti-constitutional organisation".

On October 21st 1959 Hopf was appointed State Secretary in the Ministry of Defence. He was one of the leading figures in the Gestapo-style raid on the West German news magazine "Spiegel" in October 1962.

(cont. on next page)

(cont. from front page)

Friedrich Karl Vialon

Formerly: Governmental Director in Nazi-Occupied "Ostland"
Today: State Secretary in the Ministry for Development Aid

During the early part of the nazi period, Vialon was a judge in Karlsruhe Upper District Court, and was later promoted to the post of Governmental Director in the nazi Ministry of Finance.

After the invasion of the Soviet Union he became head of the financial department of the Reich Commissariat for the Ostland, which was composed of the occupied areas of Estonia, Latvia, Lithuania and Byelorussia.

In this capacity he issued on August 1942 a long directive for the administration of the many ghettos in which the hundreds of thousands of Jewish inhabitants of this area had been confined. In this directive he stated:

"The administration of property must, in the first place, concern itself with the existing inventory. In addition there is the question of exploiting the labour of the Jews, which should be treated as part of the existing inventory . . .

"All articles of gold and silver are to be collected with exactitude, and placed at my disposal in the Reichskreditkasse in Riga".

It is a matter of public knowledge that one of the main sources of gold in such nazi collections was the teeth and rings of murdered Jews.

On September 25th 1942, Vialon issued another directive dealing with the utilisation of the shoes and clothing of murdered Jews; on March 20th 1943 Vialon gave detailed instructions for the confiscation of all the property of Jews in "Ostland".

(On March 25th 1963, Vialon gave evidence at the trial of some SS murderers in Koblenz, West Germany. He confirmed that the directives quoted above were genuine, but stated under oath that he knew nothing at all "about the liquidation of Jews, either in individual cases, or globally" during his service in "Ostland". Official SS reports presented in evidence at the Nuremberg trials — PS 3663, International Military Tribunal, XII, 65 — state that 27,800 Jews were murdered in Riga itself, where Vialon had his office.)

After the war, Vialon returned to government service as Ministerial Counsellor in the West German Ministry of Finance. In 1957 he became head of the Economic Department of the Chancellor's Office, directly subordinate to Globke. He was promoted to his present post in March 1962.

Globke Book Offer

A documented 260-page account of the life and crimes of West German State Secretary Hans Globke can be sent free to applicants as long as supplies last.

Hurry your order to: GDR, Krausenstrasse 9, Berlin W 8.

(This offer does not apply to readers in the GDR)

Franz Thedieck

Formerly: Top Official in the Nazi Military Administration in Belgium
Today: State Secretary in the Ministry for All-German Questions

Thedieck has very old family links with the top men in Bonn: both Chancellor Konrad Adenauer and State Secretary Globke worked as young lawyers in the office of his father, Judge Josef Thedieck. Franz Thedieck studied law in the early twenties, and then worked in a special intelligence bureau maintained by the Prussian Government in the Rhineland, at that time still occupied by French and British occupation troops.

When Hitler came to power in 1933 Thedieck became personal secretary to the nazi-installed district governor in Cologne. He was soon promoted to the rank of Government Counsellor, and in this capacity was placed in charge of "Germandom problems in the frontier area". His particular task was to organise the nazi Fifth Column in the Belgian frontier areas of Eupen and Malmedy, inhabited by a German-speaking minority group.

Official nazi documents found in the archives of the GDR show that on February 1st 1938 Thedieck was responsible in the Cologne area for "frontier area questions" and "intelligence".

As a result of his special knowledge of Belgium, he was appointed Senior Administration Counsellor in the nazi military administration in occupied Belgium. A report of the nazi Ministry of the Interior, dated August 1942, states that one of Thedieck's tasks was to maintain "close cooperation with the SS". During his period in office in Belgium, the nazi military administration, of which he was a prominent member, helped the SS to deport 25,000 Belgian Jews to extermination in Auschwitz.

After the war Thedieck was sentenced to one year's imprisonment by the British occupation authorities for giving false details of his nazi past on a questionnaire.

Since the formation of the West German Government in 1949, Thedieck has worked in the Ministry for All-German Questions, which is mainly concerned with espionage and subversion in the German Democratic Republic, and plans for the reconquest of "former German territories" which now form part of Poland and Czechoslovakia.

Georg Anders

Formerly: Ministerial Counsellor in the Nazi Ministry of Justice
Today: State Secretary in the Ministry of the Interior

Anders joined the Nazi Party on May 1st 1933 (membership No. 2,633,202), and served throughout the entire nazi period in the Ministry of Justice.

At the end of the war he was interned by the British authorities for over one year as a nazi activist. In 1949 he was appointed to a leading post in the West German Ministry of the Interior, in which position he drafted the "131 Law" of 1951, which rehabilitated former nazi officials and provided for them to be re-activated in West German Government service. In May 1957 he was appointed State Secretary.

Joseph Hölzl

Formerly: Treasury Chief in the Nazi City Administration, Munich
Today: State Secretary in the Ministry of the Interior

During the nazi period, in his capacity of financial chief of Munich City Administration, he organised the forced-sale at throw-away prices of Jewish-owned property.

As State Secretary in the West German Ministry of the Interior he has played an active part in drafting new "emergency laws" which would submit West Germany to a form of martial government, and ban strikes.

Wolfgang Cartellieri

Formerly: Judge in the Nazi District Court, Erfurt
Today: State Secretary in the Ministry for Scientific Research

While still an 18-year-old schoolboy, Cartellieri fought in 1919 in the ranks of the proto-nazi "Free Corps" first against the revolutionary government in Bavaria and then against the Poles in Silesia.

After the war the denazification authorities in Erfurt, East Germany, classified him as an active nazi, unfit to hold public office.

Cartellieri emigrated to West Germany, and in 1951 was appointed head of the Organisation Department of the embryo West German Defence Ministry. In 1959 he was appointed State Secretary in the West German

Ministry for Atomic Question, which was re-named Ministry for Scientific Research in 1962. In this capacity he is responsible for West German nuclear research, which includes, in cooperation with France, research on nuclear weapons.

Ludger Westrick

Formerly: Nazi "War Economy Leader"
Today: State Secretary in the Economic Ministry

Soon after the nazis came to power Westrick, a successful businessman, was appointed by Goering as one of the members of the "Industrial Council for the Development of the Luftwaffe". During the war he played a leading part in looting the industries of nazi-occupied south-eastern Europe and integrating them in the nazi war machine. Writing in the commercial newspaper "Der Deutsche Volkswirt" on November 31st 1941, Westrick stated: "As long as the trumpets of war blow, the German light metal industry has only one aim: Germany's final victory".

Hitler appointed Westrick as one of his Wehrwirtschaftsführer ("War Economy Leaders").

In 1951 Westrick was appointed State Secretary in the West Germany Economic Ministry.

Wilhelm Claussen

Formerly: Economic Boss in Nazi-Occupied Serbia
Today: State Secretary in the Ministry of Labour

Before the war Claussen was a section chief in the war-criminal chemical concern IG Farben. After the nazi occupation of Yugoslavia he was appointed Generalbevollmächtigter (operational chief) of industry in Serbia. In this capacity he looted Yugoslav industry, organised the slave labour of Yugoslav citizens, and "Aryanised" Jewish property.

In 1957 he was appointed State Secretary in the West German Ministry of Labour.

Walter Bargatzky

Formerly: Nazi Official in Occupied France
Today: State Secretary in the Ministry of Health

Bargatzky, a lawyer by profession, joined the Nazi Party in May 1937 (membership No. 4,140,825), and in the same year was appointed to a civil service post in the nazi Ministry of the Interior, where he became a colleague of Globke (see above). In 1939 he published a book entitled "The Meaning of British Continental Policy" in which he described rearmament as a "soul-felt necessity for the German people" and added "our rearmament is a shining instrument of our foreign policy aims".

From August 1940 to August 1944 he served as Military Administration Counsellor in nazi-occupied France. In this capacity he was responsible for the "international law sector", and helped to draft decrees which deprived Jews of French citizenship.

Soon after the establishment of the West German state, Bargatzky received a leading post in the West German Ministry of the Interior. In January 1963 he was promoted to the post of State Secretary in the West German Ministry of Health.

Werner Ernst

Formerly: Official of the Nazi Ministry of Labour
Today: State Secretary in the Ministry of Housing

Ernst, a lawyer, joined the Nazi Party in May 1937 (membership No. 5,295,485); he was also a member of the brown-shirted Storm Troops. In 1938 he became Government Counsellor in the nazi Ministry of Labour. During the war he worked in the "Organisation Todt" which used slave labour to build roads and fortifications behind the lines; he held the rank equivalent to lieutenant colonel in this body.

After the war Ernst worked as a Federal Judge in West Germany. In April 1959 he was appointed State Secretary in the West German Ministry of Housing.

Karl Herz

Formerly: Ministerial Director in the Nazi Ministry of Posts
Today: State Secretary in the Ministry of Posts

Herz joined the Nazi Party in 1937 (membership No. 4,153,689), and worked as a leading civil servant in the Nazi Ministry of Posts.

In 1959 he was appointed State Secretary in the West German Ministry of Posts.

Alfred Müller-Armack

Formerly: Professor at Münster University
Today: State Secretary in the Economic Ministry

Müller-Armack joined the Nazi Party in 1933 (membership No. 2,117,614). He was Professor of National Economy and Cultural Sociology at Münster University during the nazi period.

He took a post in the West German Economic Ministry in 1952, and was promoted to State Secretary in 1958.

Hans Globke

Fomerly: Ministerial Director in Nazi Ministry of Interior
Today: State Secretary in Federal Chancellor's Office

Globke drafted Hitler's anti-Semitic Nuremberg Laws, and was one of those mainly responsible for providing the "legal" basis for the nazi liquidation of the Jews. His black record has been fully exposed in past issues of GERMAN REPORT.

Today, as State Secretary to Chancellor Adenauer, he is senior civil servant of the West German state, directs and coordinates the work of all the other State Secretaries, with many of whom he has close links from the nazi period, and directly controls the main West German intelligence organisations.

The consservative West German newspaper "Die Welt" commented on February 17th: "The State Secretaries' Commission for Security Questions, under the chairmanship of Globke, wields more power than the Economic Cabinet or the Defence Council, both of which are composed of cabinet ministers."

French, W. German Communists Confer

Communist Party leaders of France and West Germany called on the people of both their countries to oppose the Adenauer-De Gaulle pact in a statement published on March 21st. The leaders, including Jacques Duclos of France and Max Reimann, head of the illegal West German party, stated that the new pact did not help to reconcile differences between the people of their countries, but only accelerated rearmament and preparations for a new war.

The statement pointed out that the pact strengthened the forces of West German militarism and made it easier for the former Hitler generals to get control of atomic weapons. It turned France into a base for the West German Bundeswehr, made any relaxation of tension inside Germany more difficult, and was a step towards an alliance with the fascist dictatorships in Spain and Portugal, the statement also charged.

The two communist parties called for further solidarity between the West German and French people in struggles like the current miners' strike in France and in the fight against atomic war.

GDR Supports French Strikers

The miners' union of the GDR contributed more than 100,000 marks to support the French miners' strike and offered free holidays for the striking miners' children.

In the House of Lords
GEESE, GDR VISAS, DRAINAGE

On March 21st the British House of Lords dealt with the question of visas for Britain for visitors from the German Democratic Republic; the debate on this subject was wedged in between business on dead geese and drainage.

Here is a short account of the debate reproduced, with the addition of biographical notes, from "The Times":

The Lord Chancellor took his seat on the Woolsack at three o'clock.

The Earl of Mansfield *(Conservative; Ex-President, The Cactus Society of Great Britain)* introduced a Bill to prohibit the sale of dead wild geese. The Bill was read a first time.

Lord Kennet *(Wayland Young, author of books on Socialism and disarmament)* asked the Government whether they would rescind their decision to refuse visas to scientists and artists from East Germany while permitting them to merchants; and moved for papers.

He said he wanted to ask the Government how the system worked, why and by whom it was set up, and whether it was their opinion that it was working to the advantage of Britain and the world.

In all the international scientific unions the question was boiling up — should their meetings be held in Britain or in some other country where scientists would be admitted on the single criterion that they were qualified scientists and not whether they came from East Germany?

An example in sport was the International Yacht Racing Union which had 30 members and its permament seat in London. In the past three years there had been no East Germans at the annual conference in London, though there were Russians, Poles and Czechs, who were beginning to think that the conference should be moved to a place where all members could be represented. There had also been the case of the Berliner Ensemble.

Lord Boothby *(Robert Boothby, Conservative; company director)* said that the Government had never thought through what their attitude to East Germany should be and did not know where they were or precisely what to do. Many business firms went to the Leipzig Fair, but they did not know what the attitude of the Government toward that enterprise was. The Government did not know either.

No one was asking at the moment for de jure or de facto recognition of East Germany, but the Government should face the fact that the situation might continue for a long time. Britain was not going to put up any effective resistance to the Berlin Wall by refusing visas to a few people from East Germany.

The Earl of Lucan *(Retired colonel; chief Labour whip, House of Lords)* said it was strange that the revulsion felt over the inhumanity of the East German Government might extend to banning cultural missions and to artists, but it did not extend to trade.

Lord Kilbracken *(John Godley, Liberal, author of "A Peer Behind the Curtain"; recreation gambling)* said that artists being perhaps the least political category in any country, it would be more appropriate to stick to the traditional means and employ economic rather than artistic sanctions.

Lord Conesford *(Henry Strauss, Conservative)* said he hoped the Government would maintain more or less their present attitude ...

Lord Shackleton *(Edward Shackleton, Arctic explorer; Labour)* said the Government had made a gesture which was futile. They should now take the initiative, discuss it with their allies, and suggest that this was doing no good.

The Earl of Dundee *(Henry James Scrymgeour-Wedderburn, Minister of State, Foreign Office, Hereditary Royal Standard-Bearer for Scotland)* said that although the Government of East Germany was probably the most monstrously inhumane of any government in the communist world or elsewhere, in normal times it was the desire of Britain to increase trade with the people of east Germany as much as with any part of the communist-controlled world.

The decision to have restrictions was taken in the first instance by the three occupying Powers and was then confirmed by the Nato Political Council. There were many classes of people who were exempt from the restrictions — those coming here for religious meetings, visits to relatives and friends, visits on grounds of health, and private visits on compassionate grounds ...

The three Powers had the situation constantly under review and would be willing to relax the restrictions if there was some modification of the horrible inhumanity going on in Berlin.

The motion was, by leave, withdrawn.

The Drainage Rates Bill passed the committee stage.

Pipes and Embargoes

Chancellor Adenauer used a parliamentary trick on March 18th to break big contracts concluded by West German firms to supply oil pipe lines to the Soviet Union. His Christian Democratic deputies walked out of Parliament so that a quorum was no longer present, thus barring any move against the Government's decision before the midnight deadline; opponents of the contract violation from the Social Democratic Party and the Free Democrats have together a majority in the Bundestag, but they could not achieve a quorum in time to meet the deadline.

The trick won the day for Adenauer's pipe embargo and pleased American circles trying to hold up the Soviet pipe line, but it also alarmed many West Germans.

Commenting on the affair, the conservative West German newspaper "Die Welt" stated on March 20th:

"The Federal Government has achieved its goal, but a bad taste remains. The public reputation of the Bundestag is not so good that it can use, without fear of consequences, a trick which recalls the practices of the Weimar Republic."

The conservative West Berlin "Tagesspiegel" commented on the same date:

"The government has struck a blow at the parliamentary system. Its main reason was its concern about weakened confidence within the western alliance, and especially between Bonn and Washington. The Government preferred to offend Parliament and to break trade agreements rather than permit doubts as to its loyalty as an ally."

Stage Celebrates

Theatres in the GDR offered special performances on March 27th in honour of World Theatre Day, which was marked for the second year in response to a suggestion by the International Theatre Centre. Many theatres scheduled premières on that date; East Berlin's Deutsches Theater staged a new German translation of Shakespeare's "Two Gentlemen of Verona" and the Maxim Gorky Theater offered the Broadway success "A Raisin in the Sun".

Trade Record

Trade between the GDR and the Soviet Union will top the record sum of 10 thousand million marks in 1963, under a new trade agreement signed in late March. Both countries are the largest trading partners of the other partner.

HAROLD WILSON: What Did He Really Say?

In the past few weeks Mr Harold Wilson, newly-elected leader of the British Labour Party, has made repeated comments in interviews and speeches on the attitude of the Labour Party towards the German problem, and in particular the question of recognising the German Democratic Republic. Some of his comments led to vicious criticism in the West German press, criticism which may be summed up in the words "Wilson is soft on the Reds". Since Mr Wilson's remarks received inadequate cover in the British press, GERMAN REPORT here reprints the relevant passages from Mr Wilson's interview with the American Westinghouse Broadcasting Company, broadcast throughout the United States on March 7th.

Interviewer: One can't very well discuss East-West relations without discussing what you have described as the running sore which is Berlin. In a statement yesterday, you said that part of any Berlin settlement would probably have to be some measure of de facto recognition of East Germany. Just exactly what did you mean by some measure?

Mr Wilson: Reports of the speech I made last week on this have caused some offense in Germany because, of course, they only reported that sentence and not the other part. Could I say that I have made clear many times in the House of Commons, in Berlin itself, as Hugh Gaitskell made clear, that no settlement will be acceptable unless it stated clearly the right of the West Berlin citizens to live under the form of society, the form of government of their choosing, or that failed to provide for really adequate means of access to Berlin from the West, and all the other measures necessary to secure her viability.

I said, in order to secure these in a firm agreement, which, incidentally, would have to be made effective by the continued presence of Western troops as custodians of the agreement, we would have to be prepared to give some measure of de facto recognition of the East German set-up. Of course, our objective is the ultimate unification of Germany, but we'd have to take facts as we find them.

And we do not want to see the continuing hardship of Berlin families that's going on because of the wall. We do not want to see the perpetual danger of the Berlin situation escalating into nuclear war that results from the present position. To that extent, we think it realistic and reasonable to recognise that the East German administration, however much we may dislike it, as we do, exists as a fact. Indeed, some measure of de facto recognition of it was proposed in President Kennedy's own suggestion for the fourteen nation communications authority that he proposed as a means of controlling access to Berlin.

Interviewer: You've said that two things are non-negotiable — that the West Berliners must live under a system of their own choosing and access to the West must be guaranteed. Do you regard the continued presence of the Western troops as a non-negotiable item also?

Mr Wilson: Certainly for the present, yes. And I made this very plain when I was in Moscow myself last year discussing this with the First Deputy Foreign Minister. The government of Britain and of the United States has made it absolutely clear to Mr. Gromyko that they cannot negotiate on that point. I agree with them and made it plain to Mr Mikoyan that this was the view of the British Labour Party and of the British people as a whole. We can talk about their role — one or two of them can wear United Nations hats if you like — there are a number of things that might be done in that direction — but they are there, not as representatives of NATO or of the Alliance, they are there under the authority of the occupying powers, and under the agreement made at the end of the war. And we believe that their presence there would not only be a reassurance to the citizens of West Berlin, but would enable them to act as custodians of the agreement that we hope to see negotiated.

Interviewer: I still haven't quite gotten the answer I was looking for on the measure of recognition. Recognition, it seems to me, is sort of like pregnancy — you can't be a little bit pregnant, you either are or you aren't. Isn't recognition a fact and once you recognise East Germany, then they have the recognition that they're after. How can you give a measure of an entity, such as diplomatic recognition?

Mr Wilson: I think gynaecological comparisons break down here. The West German government themselves have a measure of recognition. They have trade relations, but spend most of their time vetoing Britain or anybody else having trade relations with East Germany. And we have to have a fiction. We negotiate trade relations with East Germany through what we call the FBI. It's not like yours. It means the Federation of British Industry, and they negotiate under the instructions of the government on behalf of the government. Some time ago, because of a problem of movement of East German businessmen, we had to forbid their coming through to Britain. We lost a lot of orders which the West German industries were not slow to pick up for themselves. And on questions like cultural contact, sporting contacts, and above all, trade contacts, we believe that it is possible to have a measure of de facto recognition, which, as I say, other countries have already got. If the discussions mean some further recognition in a political sense, I do not think we ought to be afraid of that. And I believe that so far as — I say that I'm expressing the view that has been expressed in negotiations by both the British and American governments.

(After answering a question on disarmament, Mr Wilson added:)

I think sometimes it would be helpful, not only to Britain and to disarmament, but to the United States if Britain sometimes takes an initiative in these talks. Similarly, on Berlin, I think it is a question for the Western alliance to decide at any time, and for Britain and America jointly to decide at any time where the most helpful approach should next lie. Up to now it's been done through the Ambassadors in Moscow and in Washington. I could foresee situations where perhaps the British initiative might be taken on behalf of Britain and the United States. We have not wanted to climb out on our own.

CRIME & PUNISHMENT IN EAST BERLIN

By Allen Mann

When I was urged to sit down "with a group of judges" in the cosy little self-service canteen in an East Berlin Courthouse, I very nearly spilled the cup of coffee I was balancing. The table was occupied by three young women of 26, 28 and 30, all looking very informal in sweaters and skirts suitable for the cold of this winter. Not a grey hair, not a double chin or paunch, not a judge's robe in the lot.

And yet they were really judges. When I mentioned my amazement they laughed and told me that most judges in East Berlin were young and that half or more were women. Ever since 1945, when all judges who had served the nazis were themselves indicted or at least dropped unceremoniously from office (if they waited in East Germany that long), the age level has been low.

In the early post-war days when the need for legal staff was most urgent, interested applicants were recruited right from the work bench, sent to special short legal courses, and started dispensing justice, taking correspondence courses to increase their knowledge. That was only a stop-gap measure, and nowadays, all judges have to have a thorough legal education, and have to be voted into office by the local borough or town council. Almost all the judges I saw during the few days I visited the courthouse seemed indeed to be in their late twenties or thirties.

I should mention that serious crimes, like murder or espionage, are not dealt with in such district courts. They go before the GDR's 15 county courts, or in some cases directly to the Supreme Court, which are staffed by experienced jurists.

After the coffee break, one of the young women, Judge Lotti Oertel, said, "I have to leave now for a trial. Come along and see for yourself what court procedure is like."

She took her seat on the bench, flanked by two middle-aged men, the *Schöffen*, or lay judges. On their left was the public prosecutor, a man of about 50. Other occupants of the small but dignified, wood-paneled room were a court stenographer, a female court sergeant, witnesses, visitors evidently known to the defendant, and, on a bench below the bar, the defendant herself.

Frau Josepha Jost was a woman of 49, fairly well-dressed, with a rather pinched look on her otherwise broad face. She was accused of forging a lottery ticket, punching five holes in the lucky numbers after seeing the results of the draw on television. She had then gone to the lottery office and demanded her 250,000 marks (over £22,000). She was not the first person to try this primitive, get-rich-quick scheme, and it had been decided to make a case of it.

After the prosecutor had outlined the charges, Judge Oertel began to question the defendant, in accordance with European court practice. It was interesting to see how a 30-year-old woman could sternly interrogate and even lecture a woman of 49. The first main field of enquiry was the defendant's personal background, a matter which plays an increasing role in GDR courts, either to the defendant's advantage or disadvantage.

The woman said that she had only worked for a total of about three months since the end of the war; either she had been supported by the two husbands she had married and divorced in that period, or she had lived from welfare and other allotments granted her ailing mother. This statement that she had never worked, even in the early difficult post-war years, moved Judge Oertel to ask her whether she had never had a guilty conscience about living from other people's labour. Her general appearance and her mention of a TV set indicated that she had not really been getting along on relief payments alone. During a short trial break, I overheard the real facts on her background from some of her rather loud-mouthed neighbours who had come to see the trial. Like thousands of other East Berliners, she had lived for years on currency speculation, working a few days a week in West Berlin and taking advantage of the artificial exchange rate in West Berlin to turn her earnings into an impressive sum of GDR currency.

After the Berlin frontier was closed in August 1961 this easy life had stopped, and after using up her savings she had evidently turned to forgery instead of taking a job. An expert from the lottery office gave evidence of the double checks on lottery tickets which had quickly exposed her primitive trickery.

Another witness was the defendant's old friend, an extremely slatternly-looking woman who had accompanied her to the lottery office. She testified under questioning, with a perfectly straight face, that she had seen nothing surprising or suspicious in her friend's amazing luck; indeed, she asserted, they had hardly even discussed the details, or what to do with the 250,000 marks, before going off together to collect the sum. Despite amazed questions from the lay judges and the prosecutor, the witness stuck to this story.

Two elements of the case remained surprising; first, that the defendant dreamed she could get away with such a simple trick, and second, that she absolutely refused to admit the forgery, although the facts were transparently clear. She kept repeating, "But I didn't alter the ticket. I just can't explain why it looks false."

Frau Jost was given every opportunity to ask questions of the witnesses and to speak up for herself in dialogues with Judge Oertel, who remained extremely patient and dignified in what were sometimes very trying circumstances.

After about an hour and a half, despite all Frau Jost's denials, it grew time to close the case. In his summing up the prosecutor stated that since all lotteries in the GDR were run to raise funds for housing, schools, parks, playing fields, and so on, Frau Jost's offence of "fraud and deceit" was theoretically an offence against society as a whole, even though it had no real chance of success. He called therefore for an official sentence of six months in jail, the sentence to be suspended for two years. After a lengthy pause to discuss the case, Judge Oertel and the two lay judges passed the sen-

tence demanded by the prosecutor. Thus Frau Jost will never spend a day in jail for her forgery unless she commits some other offence in this period. If she does not, the crime and punishment will be dropped from the record after two years. The court trial will almost certainly have frightened her from any other misdemeanours of this kind in future, and she promised tearfully that she would try to find a proper job.

After this case was closed, I decided to visit another trial, down one of the long corridors in the huge courthouse building near East Berlin's central Alexander Platz. All trials are open to the public, with the usual exception of cases concerning certain sexual offences or where there are questions of security involved. As in other countries, many old-age pensioners find the courts more interesting and cheaper than the cinema, and become regular visitors.

A young man of about 30 was trying the next case I witnessed. One of the lay judges was also a man, the other one and the prosecutor were women, showing once more the very large number of women in the GDR's judicial system.

On trial was a milk-truck driver in his thirties who had spent an afternoon, evening and much of the night drinking and then, on his way home, stopped to pick a bouquet of tulips from a carefully-planted bed in a nearby public park.

Two policemen stopped him, and the case would probably have ended there and then with an on-the-spot fine of a few marks. But he started to call them names, so they decided to take him to the police station to sleep it off. The driver then resisted arrest violently and exploded into a torrent of abuse, saying among other things that the police were working for the wrong side in Germany.

The man had been in custody for some time, especially since a blood count had shown a surprisingly low alcohol content and he had been under medical supervision to see whether he had epileptic tendencies.

The trial was conducted in much the same way as the other one. Two main subjects were debated: his personal background and how drunk he had really been, for under German law drunkenness may be a mitigating factor, except at the wheel of a car. Although he asserted that he had over ten beers, six glasses of spirits and the best part of two bottles of wine, the negative blood test weighed heavily against him. He did have some inclination to epilepsy, it was found.

As the eldest of three children in a family which lost its father in World War Two, he had quit school and gone to work as a labourer in 1945. He had married, then divorced, and soon after followed his mother and her other two children to West Germany. After several years in very poor jobs over there he had been reconciled by mail with his ex-wife and returned to East Berlin to marry her again. His present job as a milk-truck driver involved long hours and hard work, but with overtime it paid the above-average wage of 1000 marks a month (about £90).

This was a far from unusual story, for almost every German family was broken or disrupted by the years of war and fascism and the long-lasting division of the country.

What helped the defendant most during the long and patient questioning were the statements of representatives of his firm that he had worked hard and conscientiously there. Although he had never renewed a lapsed membership in his trade union, and this was held against him to some extent (how different from many other countries), his good work record was stressed by everybody. In the period since he was freed from custody he had not touched alcohol once, he swore, and all witnesses agreed, including his wife, who stated that when she drank beer he stuck to soft drinks.

There was never any question of his guilt, since he admitted his offence and his regret. He was finally sentenced for resisting arrest and the lesser tulip-theft to four months imprisonment plus a year on probation. Since he had already been held on remand for almost exactly that length of time, he left court a free man.

These trials indicated several main differences between GDR courts and those in countries using the Anglo-Saxon legal system.

The three judges, and especially the professional judge, play a much bigger part in GDR trials, taking over much of the work of both defence and prosecution lawyers and engaging in constant dialogues with witnesses and defendants.

There is no jury, but there are two lay judges directly representing the people. They take part in a limited number of cases each year, going to special courses to learn about judicial methods. Otherwise they go about their regular jobs in their workshops or offices, where they are elected to their lay judge positions by secret vote of their colleagues. The lay judges have equal rights with the regular judge and help prepare the case, ask whatever questions seem relevant, and share in all decisions as to the verdict and the sentence.

The three judges usually refuse to take a case unless there is almost complete and satisfactory evidence of guilt. Although the defendant may still try to prove his innocence, the main emphasis is laid on ascertaining his motive and making him understand the nature of his offence. There was no involved legal rigmarole or difficult judicial terminology in the trials I saw, and every layman could follow them without difficulty.

The background of the defendant is always extremely important. If he can show that he has tried in some way to help society as a whole — by good work, cultural, political or community activities of any kind or in some other way, and if his workmates put in a good word for him, then his sentence (if there is one) is likely to be much lighter.

(A second article on courts and trials in the GDR will deal with lawyers, sentences, special public trials and appealed verdicts.)

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BERLIN NOTEBOOK

By John Peet

The East-West discussions on what to do about West Berlin, which have been going on intermittently for some 15 years now, got off to another start at the end of March, when Soviet Ambassador Dobrynin and US Secretary of State Dean Rusk met in Washington once again to do something rather nebulously described as sounding out the possibilities for bringing about talks to lead to a discussion of the problem.

Everybody who has the peace of the world at heart must hope that they can make some progress in solving the problem, which, unlike some other problems, will certainly not go away if ignored for long enough.

Over the past years, GERMAN REPORT has devoted a lot of space to the various proposals made for a solution of the West Berlin problem, and I don't intend to detail here all the various stages by which this problem came into being, the claims of the various parties in the argument, and the various proposals, good, bad, and indifferent, which have been put forward to solve it.

But the problem of West Berlin, rather like the questions of disarmament and test-bans, tends to get so cluttered up by a mass of technical details that nobody but the experts knows what the discussion is all about. So let me try to present the essentials in a few lines, and with as much impartiality as I can summon up.

First. West Berlin is a capitalist island, with a population of two million, lying one hundred miles inside the German Democratic Republic. It uses West German currency, and takes over most West German laws, but it is not part of West Germany. It is still ruled, in the last instance, as "occupied territory", and about 10,000 American, British and French occupation troops are stationed here. All lines of communication between West Berlin and the outside world run through the German Democratic Republic.

Second. The western powers state that the western troops are in West Berlin by right of conquest, and will remain there, come what may. They state that the presence of western troops is essential to safeguard West Berlin as an "outpost of western democracy." Basically all the western powers appear to wish to maintain the present situation in West Berlin unchanged, though there are some important differences in emphasis as to the desirable degree of cooperation between the West Berlin authorities, and the authorities of the German Democratic Republic which surrounds the city.

Third. The German Democratic Republic, supported by the Soviet Union, would like to see West Berlin converted from its present provisional status of occupied territory into a Free City State which should be neutralised and guaranteed by all the powers and by the United Nations. The German Democratic Republic maintains that in its present form, West Berlin is a powder keg, a centre of subversion and sabotage, which threatens the peace of the world.

So much for my summary. Like all such attempts to present a complicated picture in a few words it omits points which the experts on both sides feel to be important.

But I would like to add a few words on the use of the phrase "powder keg" to describe West Berlin. This is not simply a metaphor. There is a lot of real, plastic high explosive in West Berlin as well as political high explosive. Only a week or two ago, a young West Berlin student blew himself to bits when he was tinkering with a bomb which he apparently intended to plant in the office of the Soviet Travel Agency in West Berlin, and if he had not blown himself up, this would have been the 16th recorded political bombing carried out by the West Berlin underground in the past nine months.

And although West Berlin has one of the biggest police forces in the world in proportion to the population, and although the illegal possession of explosives, let alone setting off bombs, is a very serious offence under West Berlin law, not a single person has been brought to justice for all these bombings. One or two people have been detained for a day or two, and then released; no proceedings have been opened.

It would thus appear that, to say the least of it, the West Berlin authorities are turning a blind eye to this very dangerous playing with explosives. As a matter of fact, there is pretty clear evidence that various cloak and dagger organisations run and financed by the West Berlin and West German authorities have had a direct hand in most of the bombings.

And we should always remember that this playing with explosives in West Berlin is not simply dangerous to the individual Berliners who might be torn to pieces by the explosions; in Berlin, the military forces of the two military blocks in Europe, NATO and the Warsaw Pact, stand face to face, and an incident on this frontier could have appalling results.

Why are the West Berlin bombers being allowed, and even encouraged, to do their dirty work? The answer is really quite simple. There are powerful forces, particularly in West Germany, which do not want to see a peaceful and sensible solution of the West Berlin problem. They want to "keep the pot boiling". That is why everybody must hope that the present series of meetings in Washington lead, as soon as possible, to at least first steps to solve the problem.

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A fat pamphlet or slim book entitled "Who Split Germany" has just been published in East Berlin by the Free German Trade Union Federation, and it is essential reading for people who want some inside information on what happened in the vital years just after the end of the war when the groundwork was laid for the present situation.

The author is George S. Wheeler, American economist who worked in US Military Government in Germany immediately after the war, and saw the splitting going on from inside. Having had my nose very close to the German problem for more years than I care to remember, I expected that it would all be old stuff to me, but Mr Wheeler produced quite a lot of new material which I cannot recall ever seeing before.

I have been able to get hold of a small supply of copies for free distribution to people who are really interested. If you want one, write in at once before they are all gone.

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Since we start this issue of the paper with a reference to that unspeakable character, West German State Secretary Hans Globke, we might as well end on the same note. There is a riddle making the rounds in West Germany: "What is the difference between the Nuremberg Laws (Hitler's anti-Semitic legislation) and the Nuremberg Trials (of nazi war criminals)?"

"Globke did not have anything to do with the Nuremberg Trials."

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